ceeds properly. The right to redeem, together with a claim against this defendant for slander of title, seems to be all that plaintiff needs; and the law does not create unnecessary remedies. Much of the reasoning which allows the option here would apply to the case of a disseisin, but a disseisee has no option. *Brigham* v. *Winchester*, 6 Met. 460, (not noticed by the court in this case). Directly opposed to *Rogers* v. *Barnes* is *Winslow* v. *Clark*, 47 N. Y. 261. As the court have not made their position clear, it is difficult to criticise the case, but the objections to it may be summed up by saying that it makes an innovation the extent and effect of which it is impossible to determine, and as a consequence renders the law of real property uncertain.[1]

LIBEL — CONFLICT OF LAWS. — In the case of *Machado* v. *Fontes* [1897] 2 Q. B. 231, the Court of Appeal has handed down a decision that is worthy of note. The court holds that if, while A and B are both in Brazil, A publish in regard to B an article which is not actionable according to Brazilian law, and which is not published in England, an action for libel may nevertheless be maintained by B against A in an English court. The cases cited, *Phillips* v. *Eyre*, L. R. 6 Q. B. 1, and *The Moxham*, 1 P. D. 107, support the decision only by *dicta*. Putting aside the question of precedent, however, it is hard to see how the case can be supported on principle. It is a recognized doctrine of private international law, that the courts of one country will, generally speaking, enforce obligations arising under the laws of another sovereign state. Wharton, Conflict of Laws, §§ 393 *et seq.* This case goes much further. There is no obligation incurred here to be enforced; for by the law governing the parties at the time of the act complained of no right was created in favor of the plaintiff against the defendant. To attempt to sustain the case on the ground that the act would be a libel by English law, would be to encroach upon one of the fundamental principles of international law, that of the territorial sovereignty of independent states. Wharton, *supra*, § 477; *Cope* v. *Doherty*, 4 Kay & J. 367.

PRECATORY TRUSTS. — It is doubtful if there is any more striking example of mistaken kindness than the exceeding diligence with which courts of equity were formerly wont to find declarations of trust when in simple fact none such existed. In wills, for example, particular words were seized on as imposing a legal obligation, although their ordinary meaning implied something quite the contrary. The intention of the testator was correctly and universally held to be the test; but in discovering this intention courts of equity seem not infrequently to have fallen into an obvious error of simple logic. The question, of course, is not whether the testator intends his property to go in the way he recommends, but whether he means the first taker to be legally bound to carry out what is undoubtedly his desire. It is not suggested that the courts deliberately ignored this distinction, but it is apparent that they frequently failed to keep it precisely and clearly before them. *Harding*

[1] It may be proper to say that Professor Gray, who was counsel at an application for a rehearing in this case, is in no way responsible for the appearance of this note in the REVIEW. — ED.